

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette, Series I No. 6 dated 7-5-98 namely, Extraordinary dated 7-5-98 from pages 55 to 56 regarding Corrigenda from Department of Finance (Revenue & Control Division).

GOVERNMENT OF GOA

Department of Panchayat Raj & Community Development

Directorate of Panchayats

Notification

23/DP/ZP/LA/97

Whereas the draft of the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly), Rules, 1997, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 35 dated 27-11-1997, under Notification No. 23/DP/ZP/LA/97 dated 17-11-1997 of the Department of Panchayat Raj & Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 27-11-1997:

And Whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by clause (iii) of section 117, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(b) "Election" means an election of the members to the Zilla Panchayat from amongst the members of the Goa State Legislative Assembly;

(c) "Section" means a section of the Act;

(d) "Speaker" means the Speaker of the Goa Legislative Assembly and includes the Deputy Speaker;

(e) "State Legislative Assembly" means the Goa State Legislative Assembly;

(f) Words and expressions used but not defined in these rules, shall have the same meaning as are respectively assigned to them in the Act.

3. *Number of members to be elected.*— The number of members to be elected to the Zilla Panchayat in a district from amongst the members of the State Legislative Assembly shall be as follows:—

(I) From North Goa District ... Six members.

(II) From South Goa District ... Five members.

4. *Eligibility for becoming a member of the Zilla Panchayat.*— Any member of the State Legislative Assembly shall be eligible to become a member of Zilla Panchayat if he is elected by a majority of votes of the total number of members of the State Legislative Assembly:

Provided that such member shall not be a Minister or the Speaker or the Deputy Speaker of the State Legislative Assembly or the Leader of Opposition in the State Legislative Assembly.

5. *Power of the Government to inform date for holding elections.*— The Government, in consultation with the Speaker, shall fix the date for holding the election thereof.

6. *Procedure for election.*— The Speaker may determine the procedure to be adopted for election of members to the Zilla Panchayat from amongst the members to the State Legislative Assembly.

7. *Filling up of casual vacancy.*— Any casual vacancy arising shall be filled up by election as provided in rule 4.

8. *Publication of names of elected members.*— The Secretary of the State Legislative Assembly shall publish or cause to be published the names of elected members in the Official Gazette by a Notification stating the name and address or the names and addresses of the members elected in the form as specified in the schedule hereto. A copy of the Notification shall be forwarded to the Directorate of Panchayats and the concerned Zilla Panchayat.

SCHEDULE

Notification

(See rule 8)

In pursuance of the provisions of rule 8 of the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998, it is hereby notified for information of the public, that the member/members specified in column (2) of the Schedule "A" below is/are duly elected as member/members for the Zilla Panchayat mentioned in column (1) respectively of the said Schedule "A".

SCHEDULE 'A'

Name of Zilla Panchayat	Name of members and his address
1	2

Secretary of the Goa State Legislative Assembly.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 21st April, 1998.

Notification

25/DP/ELT-PET-DISPT/97

Whereas, the draft of the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), in the Official Gazette, Series I No. 40 dated 1-1-1998 of the Directorate of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 10 days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Gazette was made available to the public on 1st January, 1998;

And whereas no objections/suggestions have been received from the public on the said rules by the Government:

Now, therefore, in exercise of the powers conferred by sections 17 and 23 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Election Petition Dispute Procedure) Rules, 1998.

(2) They shall come into force at once.

2. *Definition.*— In these rules, unless the context otherwise requires.—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) "Administrative Tribunal" means Administrative Tribunal constituted under section 3 of the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(c) "Candidate" means a person who has been or claimed to have been duly nominated as a candidate at any Village Panchayat election, and any such person shall be deemed to have been a candidate as from the time when, with the election is prospect, he began to hold himself as a prospective candidate;

(d) "Costs" means all costs, charges and expenses of or incidental to a trial of election petition;

(e) "Pleader" means any person entitled to appear and plead for another in a civil court within the State of Goa;

(f) "Registrar" means Registrar of Goa Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965);

(g) "Returned candidate" means a candidate declared elected at Village Panchayat election;

(h) "Words and expressions" used but are not defined in these rules shall have the same meaning as assigned to them under the Act;

3. *Election Petition.*— No election shall be called in question except by a election petition which shall contain such concise statement and contents as specified under section 17 of the Act and shall be accompanied by an affidavit in the form appended to these rules in support of the allegations of such corrupt practices indulged by the returned candidate, and shall be presented in accordance with the provisions of these rules.

4. *Processing fee.*— At the time of process of election petition, the petitioner or his pleader shall pay a fee of

Rs. 100/- in court fee stamp and deposit the amount to cover the cost of preparing certified copies according to the scale of copying fees as specified below. The amount so calculated according to the amount of fee shall be deposited with the Registrar, as copying fees and the amount if any, paid and the amount deposited exceeds the amount of copying fees so deposited, it shall be refunded to the applicant at the time of delivering the copies:

Provided that the applicant shall, if the amount deposited by him is not found to be sufficient to cover the amount of copying fee, to pay the deficient arrears at the time of taking delivery of the copies.

(i) For obtaining a certified copy of the document for the first 200 words or less - Rs. 5/-.

(ii) For every additional 100 words - Rs. 3/-.

5. Presentation of Petitions.—(1) The election petition calling the question of election may be presented in person or through the pleader to the President of Goa Administrative Tribunal to hear and to decide the election dispute thereof.

(2) As soon as the election petition is received by the Registrar, he shall endorse thereon, the date of its receipt, if he is satisfied that —

(a) the person presenting has authority to do so;

(b) it conforms to the provisions of section 17 and the rules.

(3) If the Registrar has found that the election petition so presented does not conform to any of the provisions of section 17 and the rules, he shall —

(i) Where the defects to be remedied are not of a minor nature, with the approval of the President of Goa Administrative Tribunal, return the election petition without endorsement specifically pointing out such defects and;

(ii) where the election petition contains defects of minor nature, the Registrar, may, with the approval of the President of Goa Administrative Tribunal, by a separate letter, specifically point out such defects and shall call upon the petitioner or his pleader to remedy or to explain such defects within the period of 15 days from the date of receipt of such letter. If the appellant or his pleader fails to remedy or explain satisfactorily the defects within the said period, the Registrar shall place the petition before the President of Goa Administrative Tribunal for his decision on merits and the defects remedying so unremedied shall be taken into consideration by the President of Goa Administrative Tribunal at the time of hearing the petition.

6. Furnishing additional copies of documents.—The Registrar, may, with the approval of the President of Goa Administrative Tribunal, call upon the petitioner to furnish within specified period as many additional copies of petition together with its accompaniments, as he may consider necessary for supply to the respondent or other person if any, or if required otherwise.

If the petitioner does not furnish the additional copies of the documents called upon thereof, the President of Goa Administrative Tribunal may reject the petition.

7. "Corrupt practices".— Save as otherwise provided under section 23 of the Act, corrupt practice means and includes —

(i) movement of candidate, his agent/s. or another person on his behalf to solicit the voters for voting of a particular candidate and distribution cards/names/symbols before forty eight hours of the poll;

(ii) using any Government vehicle, Panchayat premises and any machinery for organising any meeting or parties; and

(iii) to solicit voters by any means such as offerings in kind or cash.

FORM OF AFFIDAVIT

(See rule 3)

Before the Election Petition Authority (President of Goa Administrative Tribunal) At Panaji

Election petition No.

Shri/Smt.
 Profession of Age — Petitioner
 Indian National,
 H. No. Waddo
 Village
 (Specify detailed address)

V/s.

Shri/Smt.
 Profession of Age — Respondent
 Indian National,
 H. No. Waddo
 Village
 (Specify detailed address)

AFFIDAVIT

I, the above named petitioner do hereby state and declare on solemn affirmation as under:

I. (1) I say that I am a voter enrolled at Sr. No. of Ward No. of Village Panchayat of Taluka of Goa. (District)

OR

(Write whichever is applicable).

(2) I say that I was a candidate contesting from Ward No. of Village Panchayat of Taluka and that the Respondent No. has been duly elected from the said ward.

(3) I say that the Respondent No. was indulged in the following corrupt practices.

I.
 II.
 III. (and so on)

4. That the contents of para to
are true to my personal knowledge.

Solemnly affirmed at on this
day of

DEPONENT

Identified by me:

Explained in Konkani/Marathi
in the language known to the
deponent by Shri

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint
Secretary.

Panaji, 21st April, 1998.

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Department of Urban Development

Directorate of Municipal Administration

Notification

10/64/97-DMA/140

In exercise of the powers conferred by sub-section (2) of
Section 1 of the Goa Municipalities (Second Amendment) Act.

1997 (Goa Act 7 of 1998) (hereinafter called the 'said Act'), the
Government of Goa hereby appoints 22nd day of May, 1998, as
the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

D. C. Sahoo, Director of Municipal Administration &
Ex-Officio Jt. Secretary.

Panaji, 22nd April, 1998.

Notification

10/64/97-DMA/139

In exercise of the powers conferred by sub-section (3) of
Section 67 of the Goa Municipalities Act, 1968 (Act 7 of 1969)
(hereinafter called the 'said Act'), the Government of Goa
hereby notifies the 22nd day of May, 1998, as the date, for the
purpose of said sub-section (3) of Section 67 of the said Act.

By order and in the name of the Governor of Goa.

D. C. Sahoo, Director of Municipal Administration &
Ex-Officio Jt. Secretary.

Panaji, 22nd April, 1998.